

Remarks/Arguments:

The above Amendments and these Remarks are in reply to the Office Action mailed September 9, 2004.

Claim 1 has been amended to include the limitation that the device includes a reflective optics that receives incident EUV from the synchrotron source and that the holographic diffuser is a reflection grating. Support is found, for example, in paragraph 0029 which describes the beam line optics 14, 16 in figure 1 and in paragraph 033 of the published application. In addition, the claim recites that a reticle at the entrance plane is illuminated with EUV radiation emanating from a range of angles wherein the radiation in a particular illumination angle is incoherent with respect to radiation at all other illumination angles as described in paragraph 012. Finally, the recitation in canceled claim 2 has been added to claim 1. Claims 11, 21 and 30 are similarly amended.

Claims 1-5, 11-13, 15-16, 21-26 and 30-35 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 –29 of US Patent 6,768,567. A terminal disclaimer is being filed herewith.

Claims 1 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shalapenok et al. (US Patent No. 6,081,381) in view of Jannson et al. (US Patent No. 5,365,354), Dammann (H. Dammann, 'Blazed synthetic phase-only holograms', Optik, vol. 31, no. 1, 1970, pp. 95-104) and Stanton (US Patent No. 5,684,566). It is submitted that this basis of rejection is moot in review of the amendments.

Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shalapenok et al., in view of Jannson et al., Dammann and Stanton. It is submitted that this basis of rejection is moot in review of the amendments.

Claims 2-3 and 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shalapenok et al in view of Jannson et al., Dammann, and Stanton as applied to claims 1 and 11 above, and further in view of Bos (US Patent No. 5,825,448).

As explained previously, the independent claims have been amended to recite, among other things, that the single holographic diffuser is a reflection grating which receives radiation from a reflective optics. As explained in paragraphs [0032] and [0033] of the published application, there are several drawbacks with using transmission gratings at EUV wavelengths. It is submitted that the primary reference namely Shalapenok et al. is a device that uses transmission gratings and lenses. In contrast the inventive device uses reflective optics and reflection gratings. Moreover, there is no suggestion in the reference of replacing the transmission grating with reflection gratings.

Claims 8-9 and 19-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shalapenok et al. in view of Jannson et al., Dammann and Stanton as applied to claims 1 and 11 above, and further in view of Makabe et al. (US Patent No. 4,845,551). It is submitted that this basis of rejection is moot in review of the amendments. It is submitted that this basis of rejection is moot in review of the amendments.

Claims 4-5 and 15-16 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Shalapenok et al. in view of Jannson et al., Dammann and Stanton as applied to claims 1 and 11 above, and further in view of Kathman et al. (US Patent No. 6,118,559). It is submitted that this basis of rejection is moot in review of the amendments.

Claims 21 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shalapenok et al in view of Jannson et al. and Stanton. It is submitted that this basis of rejection is moot in review of the amendments.

Claims 22-23 and 31-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shalapenok et al. in view of Jannson et al and Stanton as applied to claims 21 and 30 above, and further in view of Bos.

As stated above, with respect to claims 2-3 and 12-13, the independent claims have been amended to recite that the claimed device employs reflective optics and a holographic diffuser which is a reflection grating.

Claims 28-29 and 37-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shalapenok et al in view of Jannson et al. and Stanton as applied to claims 21 and 30 above, and further in view of Makabe et al. It is submitted that this basis of rejection is moot in review of the amendments.

Claims 24-25 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shalapenok et al in view of Jannson et al. and Stanton as applied to claims 21 and 30 above, and further in view of Kathman et al. It is submitted that this basis of rejection is moot in review of the amendments.

Claims 26-27 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shalapenok et al. in view of Jannson et al and Stanton as applied to claims 21 and 30 above, and further in view of Dammann. It is submitted that this basis of rejection is moot in review of the amendments.

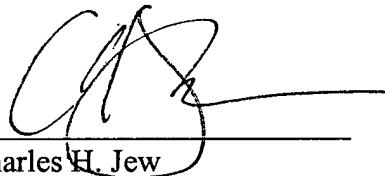
In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

Application No.: 09/981,500
Amendment/Response dated: 12/31/2004
Reply to OA dated: September 2, 2004

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 12.31.04

By: 
Charles H. Jew
Reg. No. 34,192

Customer No. 23910
FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800